

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH PAGAN, )  
Plaintiff )  
vs. )  
M.J. MATTHEWS, Hearing Examiner; ) Civil Action No. 04-1229  
PAMELA K. TEETER, C/O IV Captain- ) Judge Donetta W. Ambrose/  
P.R.C.; RICHARD NILLES, DATSS- ) Magistrate Judge Amy Reynolds Hay  
P.R.C.; MARK KRYSEVIG, Deputy )  
Warden (SCIP)-D.O.C.-P.R.C.; PHILLIP )  
JOHNSON, Warden (SCIP),-D.O.C.; )  
ROBERT S. BITNER, Chief Hearing )  
Examiner-D.O.C. (PA.), )  
Defendants ) Re: Doc. #16

AND NOW, this 19<sup>th</sup> day of Dec., 2005, after the plaintiff,

Kenneth Pagan, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted by defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, upon consideration of the objections filed by plaintiff, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that defendants' Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

  
DONETTA W. AMBROSE  
Chief United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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